

Introduced by Senators Speier and Denham**(Coauthors: Senators Bowen, Chesbro, Cox, and Romero)****(Coauthors: Assembly Members Chan, Garcia, Karnette, Niello, and Spitzer)**February 16, 2006

An act to amend the heading of Article 6 (commencing with Section 11383) of Chapter 6 of Division 10 of, to amend Section 11383 of, and to add Section 11383.5 to, the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 1299, as introduced, Speier. Controlled substances: precursors: phencyclidine: methamphetamine.

(1) Existing law generally makes it a felony punishable by 2, 4, or 6 years in the state prison for a person to possess specified substances at the same time with the intent to manufacture phencyclidine or methamphetamine.

This bill would apply this penalty, in addition, to any person who possesses those and other specified substances at the same time with the intent or with the knowledge that they will be used to manufacture phencyclidine or methamphetamine. The bill would also provide that possession of the optical, positional, or geometric isomer of any of the specified listed compounds shall be deemed to be possession of the derivative substance. By revising existing crimes or creating new crimes, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 6 (commencing with Section 11383) of Chapter 6 of Division 10 of the Health and Safety Code is amended to read:

Article 6. Precursors of ~~Methamphetamine~~ and Phencyclidine (PCP) and Methamphetamine

SEC. 2. Section 11383 of the Health and Safety Code is amended to read:

11383. (a) ~~Any person who possesses both methylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to manufacture methamphetamine, or who possesses both ethylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to manufacture N-ethylamphetamine, is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years.~~

~~(b)~~

(a) Any person who possesses at the same time any of the following combinations, ~~or a combination product thereof, or possesses any compound or mixture containing the chemicals listed in the following combinations,~~ with the intent or with the knowledge that they will be used to manufacture phencyclidine (PCP) or any of its analogs specified in ~~paragraph (22) of subdivision (d) of Section 11054 or paragraph (3) of subdivision (e) of Section 11055~~ is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years:

(1) Piperidine and cyclohexanone.

(2) Pyrrolidine and cyclohexanone.

(3) Morpholine and cyclohexanone.

~~(e) (1) Any person who, with intent to manufacture methamphetamine or any of its analogs specified in subdivision (d) of Section 11055, possesses ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or~~

~~1 pseudoephedrine, or who possesses a substance containing
2 ephedrine or pseudoephedrine, or any salts, isomers, or salts of
3 isomers of ephedrine or pseudoephedrine, or who possesses at
4 the same time any of the following, or a combination product
5 thereof, is guilty of a felony and shall be punished by
6 imprisonment in the state prison for two, four, or six years:~~

~~7 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,
8 N-methylephedrine, N-ethylephedrine,
9 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
10 phenylpropanolamine, plus hydriodic acid.~~

~~11 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,
12 N-methylephedrine, N-ethylephedrine,
13 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
14 phenylpropanolamine, thionyl chloride and hydrogen gas.~~

~~15 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,
16 N-methylephedrine, N-ethylephedrine,
17 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
18 phenylpropanolamine, plus phosphorus pentachloride and
19 hydrogen gas.~~

~~20 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,
21 N-methylephedrine, N-ethylephedrine,
22 N-methylpseudoephedrine, N-ethylpseudoephedrine,
23 chloroephedrine and chloropseudoephedrine, or
24 phenylpropanolamine, plus any reducing agent.~~

~~25 (2) Any person who, with intent to manufacture
26 methamphetamine or any of its analogs specified in subdivision
27 (d) of Section 11055, possesses hydriodic acid or a reducing
28 agent or any product containing hydriodic acid or a reducing
29 agent is guilty of a felony and shall be punished by imprisonment
30 in the state prison for two, four, or six years.~~

~~31 (d) For purposes of this section, a “reducing agent” for the
32 purposes of manufacturing methamphetamine means an agent
33 that causes reduction to occur by either donating a hydrogen
34 atom to an organic compound or by removing an oxygen atom
35 from an organic compound.~~

~~36 (e)~~

~~37 (b) Any person who possesses the optical, positional, or
38 geometric isomer of any of the compounds listed in this section,
39 with the intent or with the knowledge that they will be used to
40 manufacture any of the following controlled substances is guilty~~

1 of a felony and shall be punished by imprisonment in the state
2 prison for two, four, or six years:

3 ~~(1) Methamphetamine.~~

4 ~~(2) Any analog of methamphetamine specified in subdivision~~
5 ~~(d) of Section 11055.~~

6 ~~(3) N-ethylamphetamine.~~

7 ~~(4)~~

8 ~~(1) Phencyclidine (PCP).~~

9 ~~(5)~~

10 (2) Any analog of PCP specified in subdivision (d) of Section
11 11054, or in subdivision (e) of Section 11055.

12 ~~(f)~~

13 ~~(c) Any person who possesses any compound or mixture~~
14 ~~containing piperidine, cyclohexanone, pyrrolidine, morpholine,~~
15 ~~1 - p h e n y l c y c l o h e x y l a m i n e (P C A),~~
16 ~~1-piperidinocyclohexanecarbonitrile (PCC), or~~
17 ~~phenylmagnesium bromide (PMB) with the intent or with the~~
18 ~~knowledge that they will be used to manufacture phencyclidine is~~
19 ~~guilty of a felony and shall be punished by imprisonment in the~~
20 ~~state prison for two, four, or six years. Any~~

21 (d) Any person who possesses immediate precursors sufficient
22 for the manufacture of ~~methylamine, ethylamine,~~
23 ~~phenyl-2-propanone, piperidine, cyclohexanone, pyrrolidine,~~
24 ~~morpholine, ephedrine, pseudoephedrine, norpseudoephedrine,~~
25 ~~N-methylephedrine, N-ethylephedrine, phenylpropanolamine,~~
26 ~~hydriodic acid or a reducing agent, thionyl chloride, or~~
27 ~~phosphorus pentachloride, or phenylmagnesium bromide (PMB)~~
28 ~~with the intent or with the knowledge that they will be used to~~
29 ~~manufacture methamphetamine phencyclidine, is guilty of a~~
30 ~~felony and shall be punished by imprisonment in the state prison~~
31 ~~for two, four, or six years.~~

32 ~~(g) Any person who possesses essential chemicals sufficient~~
33 ~~to manufacture hydriodic acid or a reducing agent, with intent to~~
34 ~~manufacture methamphetamine, is guilty of a felony and shall be~~
35 ~~punished by imprisonment in the state prison for two, four, or six~~
36 ~~years.~~

37 ~~(h) Any person who possesses any compound or mixture~~
38 ~~containing piperidine, cyclohexanone, pyrrolidine, or morpholine~~
39 ~~ephedrine, pseudoephedrine, norpseudoephedrine,~~
40 ~~N-methylephedrine, N-ethylephedrine, phenylpropanolamine,~~

1 ~~hydriodic acid or a reducing agent, thionyl chloride, or~~
2 ~~phosphorus pentachloride, with intent to manufacture~~
3 ~~methamphetamine, is guilty of a felony and shall be punished by~~
4 ~~imprisonment in the state prison for two, four, or six years.~~

5 (i)

6 *(e) For the purposes of this section, possession of the optical,*
7 *positional, or geometric isomer of any of the compounds listed in*
8 *this section shall be deemed to be possession of the derivative*
9 *substance.* ~~This~~

10 *(f) This section does not apply to drug manufacturers licensed*
11 *by this state or persons authorized by regulation of the Board of*
12 *Pharmacy to possess those substances or combinations of*
13 *substances.*

14 SEC. 3. Section 11383.5 is added to the Health and Safety
15 Code, to read:

16 11383.5. (a) Any person who possesses both methylamine
17 and phenyl-2-propanone (phenylacetone) at the same time with
18 the intent or with the knowledge that they will be used to
19 manufacture methamphetamine, or who possesses both
20 ethylamine and phenyl-2-propanone (phenylacetone) at the same
21 time with the intent or with the knowledge that they will be used
22 to manufacture N-ethylamphetamine is guilty of a felony and
23 shall be punished by imprisonment in the state prison for two,
24 four, or six years.

25 (b) (1) Any person who, with the intent or with the knowledge
26 that they will be used to manufacture methamphetamine or any
27 of its analogs specified in subdivision (d) of Section 11055,
28 possesses ephedrine or pseudoephedrine, or any salts, isomers, or
29 salts of isomers of ephedrine or pseudoephedrine, or who
30 possesses a substance containing ephedrine or pseudoephedrine,
31 or any salts, isomers, or salts of isomers of ephedrine or
32 pseudoephedrine, or who possesses at the same time any of the
33 following, or a combination product thereof, is guilty of a felony
34 and shall be punished by imprisonment in the state prison for
35 two, four, or six years:

36 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,
37 N-methylephedrine, N-ethylephedrine,
38 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
39 phenylpropanolamine, plus hydriodic acid.

1 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,
2 N-methylephedrine, N-ethylephedrine,
3 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
4 phenylpropanolamine, thionyl chloride and hydrogen gas.

5 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,
6 N-methylephedrine, N-ethylephedrine,
7 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
8 phenylpropanolamine, plus phosphorus pentachloride and
9 hydrogen gas.

10 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,
11 N-methylephedrine, N-ethylephedrine,
12 N-methylpseudoephedrine, N-ethylpseudoephedrine,
13 chloroephedrine and chloropseudoephedrine, or
14 phenylpropanolamine, plus any reducing agent.

15 (2) Any person who, with the intent or with the knowledge
16 that they will be used to manufacture methamphetamine or any
17 of its analogs specified in subdivision (d) of Section 11055,
18 possesses hydriodic acid or a reducing agent or any product
19 containing hydriodic acid or a reducing agent is guilty of a felony
20 and shall be punished by imprisonment in the state prison for
21 two, four, or six years.

22 (c) Any person who possesses the optical, positional, or
23 geometric isomer of any of the compounds listed in this section,
24 with the intent or with the knowledge they will be used to
25 manufacture any of the following controlled substances, is guilty
26 of a felony and shall be punished by imprisonment in the state
27 prison for two, four, or six years:

28 (1) Methamphetamine.

29 (2) Any analog of methamphetamine specified in subdivision
30 (d) of Section 11055.

31 (3) N-ethylamphetamine.

32 (d) Any person who possesses immediate precursors sufficient
33 for the manufacture of methylamine, ethylamine,
34 phenyl-2-propanone, ephedrine, pseudoephedrine,
35 norpseudoephedrine, N-methylephedrine, N-ethylephedrine,
36 phenylpropanolamine, hydriodic acid or a reducing agent, thionyl
37 chloride, or phosphorus pentachloride, with the intent or with the
38 knowledge that they will be used to manufacture
39 methamphetamine, is guilty of a felony and shall be punished by
40 imprisonment in the state prison for two, four, or six years.

1 (e) Any person who possesses essential chemicals sufficient to
2 manufacture hydriodic acid or a reducing agent, with the intent or
3 with the knowledge that they will be used to manufacture
4 methamphetamine, is guilty of a felony and shall be punished by
5 imprisonment in the state prison for two, four, or six years.

6 (f) Any person who possesses any compound or mixture
7 containing ephedrine, pseudoephedrine, norpseudoephedrine,
8 N-methylephedrine, N-ethylephedrine, phenylpropanolamine,
9 hydriodic acid or a reducing agent, thionyl chloride, or
10 phosphorus pentachloride, with the intent or with the knowledge
11 that they will be used to manufacture methamphetamine, is guilty
12 of a felony and shall be punished by imprisonment in the state
13 prison for two, four, or six years.

14 (g) For purposes of this section, a “reducing agent” for the
15 purposes of manufacturing methamphetamine means an agent
16 that causes reduction to occur by either donating a hydrogen
17 atom to an organic compound or by removing an oxygen atom
18 from an organic compound.

19 (h) For the purposes of this section, possession of the optical,
20 positional, or geometric isomer of any of the compounds listed in
21 this section shall be deemed to be possession of the derivative
22 substance.

23 (i) This section does not apply to drug manufacturers licensed
24 by this state or persons authorized by regulation of the Board of
25 Pharmacy to possess those substances or combinations of
26 substances.

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28 SEC. 4. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the
33 penalty for a crime or infraction, within the meaning of Section
34 17556 of the Government Code, or changes the definition of a
35 crime within the meaning of Section 6 of Article XIII B of the
36 California Constitution.